

Amendment No. 2 to HB0567

Farmer  
Signature of Sponsor

**AMEND Senate Bill No. 769**

**House Bill No. 567\***

by adding the following section immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 30-2-312, is amended by adding the following sentence at the end of the section:

If notice is required to be given to the residuary beneficiary or beneficiaries of the decedent's estate as required by § 30-2-313(b), the claimant shall pay to the clerk on the filing of the claim the fee provided by § 8-21-401(c)(9) for each residuary beneficiary to whom notice is to be given.

**AND FURTHER AMEND** by deleting Section 12 in its entirety and substituting instead the following:

SECTION 12. Tennessee Code Annotated, Title 32, Chapter 3, Part 1, is amended by adding the following new section:

(a)

(1) Notwithstanding the requirements of a holographic will, a will may refer to a written statement or list to dispose of items of tangible personal property not otherwise specifically disposed of by the will, other than money, evidences of indebtedness, documents of title, securities, and property used in a trade or business.

(2) To be admissible under this section as evidence of the intended disposition, the writing:

(A) Must:

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(i) Be either in the handwriting of the testator or signed by the testator;

(ii) Be dated; and

(iii) Describe the items and the devisees with reasonable certainty;

(B) May be prepared before or after the execution of the will;

(C) May be altered by the testator after its preparation, provided that the testator signs and dates the alteration; and

(D) May be a writing that has no significance apart from its effect upon the dispositions made by the will.

(3) If more than one (1) otherwise effective writings exist or a single writing contains properly signed and dated alterations, the provisions of the most recent writing or alteration revoke any inconsistent provisions of all prior writing.

(b) A personal representative is not liable for any distribution of tangible personal property to the apparent devisee under the testator's will without actual knowledge of the written statement or list, as described in subsection (a), and the personal representative has no duty to recover property distributed without knowledge of the written statement or list. However, a person named to receive certain tangible personal property in a written statement or list, as described in subsection (a), may recover the property or its value, if the property cannot be recovered, from an apparent devisee to whom the property has been distributed, if an action to recover the property is brought within one (1) year after

the probate of the testator's will. The action to recover the property shall be an action separate from the probate proceeding.

(c) If the writing is admitted to the probate proceeding as permitted in subsection (a), the recipient or recipients of items distributed in accordance with the written list or statement shall file a receipt for the item or items received in accordance with § 30-2-707.

**AND FURTHER AMEND** by deleting Sections 10, 14, and 16 and redesignating existing sections accordingly, and by deleting the language "11" from the last section and substituting instead the language "10".